

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 13, 1998

DIVISION ONE

B118341 People
 v.
 Herrate

Filed order dismissing appeal (notice of appeal filed November 25, 1997) pursuant to rule 17(a).

B100352 Hennefer et al.
 v.
 Butcher et al.

The Court:

The motion for a stipulated reversal by Dan E. Butcher, Mary F. Butcher, Carl W. Robertson II, Spencer Estates, The QCC One, The QCC Two, The D & M One Limited Partnership, The D & M Seven Limited Partnership, The D & M Eight Limited Partnership, The D & M Nine Limited Partnership, Maroloma Construction Corporation, Caldan, Inc., Mardan Enterprises, Mardan Construction, Norco Gardens, Norco Knolls, and Starlite Supply Company is granted. The judgments awarding compensatory and/or punitive damages against Dan E. Butcher, Mary F. Butcher, Carl W. Robertson II, Spencer Estates, The QCC One, The QCC Two, The D & M One Limited Partnership, The D & M Seven Limited Partnership, The D & M Eight Limited Partnership, The D & M Nine Limited Partnership, Maroloma Construction Corporation, Caldan, Inc., Mardan Enterprises, Mardan Construction, Norco Gardens, Norco Knolls, and Starlite Supply Company are reversed. James A. Hennefer, Reese L. Milner II, and Milner Investment Corporation, on the one hand, and Dan E. Butcher, Mary F. Butcher, Carl W. Robertson II, Spencer Estates, The QCC One, The QCC Two, The D & M One Limited Partnership, The D & M Seven Limited Partnership, The D & M Eight Limited Partnership, The D & M Nine Limited Partnership, Maroloma Construction Corporation, Caldan, Inc., Mardan Enterprises, Mardan Construction, Norco Gardens, Norco Knolls, and Starlite Supply Company, on the other hand, are to bear their own costs on appeal as between themselves. On remand, the trial

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DIVISION ONE (Continued)

B100352 Hennefer et al. v. Butcher et al. (Cont'd.)

court shall dismiss the case with prejudice as to Dan E. Butcher, Mary F. Butcher, Carl W. Robertson II, Spencer Estates, The QCC One, The QCC Two, The D & M One Limited Partnership, The D & M Seven Limited Partnership, The D & M Eight Limited Partnership, The D & M Nine Limited Partnership, Maroloma Construction Corporation, Caldan, Inc., Mardan Enterprises, Mardan Construction, Norco Gardens, Norco Knolls, and Starlite Supply Company. The remittitur is to issue forthwith.

DIVISION TWO

B110830 FSPP et al.
v.
City of Los Angeles

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

B115965 People (Not for Publication)
v.
Willis

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B115512 Los Angeles County, D.C.S. (Not for Publication)

v.
Terry T.

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

B113138 Veiga et al. (Not for Publication)

v.
Holloway et al.

The judgment (order of dismissal) is reversed with directions to grant leave to amend for plaintiffs to attempt to allege concealment and misrepresentation against the individual respondents. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B111635 People (Not for Publication)

v.
Stevenson

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

August 13, 1998-Continued

DIVISION THREE (Continued)

[illegible]

The appeal is dismissed.

Croskey, J.

We concur: Klein, P.J.
Goodman, J. (Assigned)

B104948 People (Not for Publication)
v.
Quinn

The judgment is affirmed, except that the trial court's order striking three prior felony convictions which respondent suffered pursuant to the Three Strike law, and respondent's sentence, are vacated. The matter is remanded to the trial court for further proceedings consistent with this opinion.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Cooper (F.M.), J. (Assigned), and V. Guzman, Deputy Clerk.

B119279 Boettcher
v.
Workers' Compensation Appeals Board
(Covina Valley Unified School District, r.p.i.)

Merits:
Argued by Robert R. Shelley for petitioner and by W. Steven Heise for real party in interest. Cause submitted.

DIVISION FOUR (Continued)

B122141 Marquez, Jr.
 v.
 S.C.L.A.
 (Marquez, r.p.i.)

Merits:

Argued by Honey Kessler Amado for petitioner and by Elizabeth Marquez,
in propria persona. Cause submitted.

B122095 Lincoln Electric
 v.
 S.C.L.A.
 (Westside Associates, r.p.i.)

Merits:

Argued by James C. Martin for petitioner and by Craig M. Collins for real
party in interest. Cause submitted.

Court in recess.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Cooper (F.M.), J. (Assigned), and V. Guzman,
Deputy Clerk.

B102499 Ling et al.
B109714 v.
 Chen

Merits:

Argued by Claire D. Johnson for appellants and by Roxanna Huddleston for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B106740 Brinton
v.
TRW, Inc.

Merits:

Argued by Laurie S. Gorsline for appellant and by Gregg C. Sindici for respondent. Cause submitted.

Each of the following:

B122039 Lynda H. v. S.C.L.A. (D.C.F.S.)

B119477 People v. Robert Charles S.

B115066 People v. Gomez

Argument waived, cause submitted.

Court adjourned.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

August 13, 1998-Continued

DIVISION FIVE

B116001 People (Not for Publication)

V.

Shiloh Harry Theriault

The order under review is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B112943 28333 San Nicholas, Inc. (Not for Publication)

B099890 v.

V.

Michael A. Maidy et al.

On the court's own motion petition for rehearing granted. The opinion (originally filed July 30, 1998) is refiled effective the date of this order. All other requests are denied.

DIVISION SIX

Court convened at 9:06 A.M.

Present: Stone, P.J., Yegan, J., Coffee, J., and James Terry, Deputy Clerk.

B120217 Zampese

V.

Zampese

Merits:

Argued by Roger M. Hubbard for appellant and by Steve Pell for respondent. Cause submitted.

DIVISION SIX (Continued)

B117456 Schiller
 v.
 Pruner

Merits:

Argued by Philip J. Longo for respondent. Argument waived by appellant.
Cause submitted.

B117891 Thomas
 v.
 Wallace & Schwartz

Merits:

Argued by George M. Wallace for appellant and by Seana B. Thomas for
respondent. Cause submitted.

B100420 Kamel
 v.
 Fire Insurance Exchange

Merits:

Argued by Christopher W. Olmsted for appellant and by Bruce M. Warren
for respondent Fire Insurance Exchange and by Michael Bruce Abelson for
respondent Southern California Physicians Insurance Exchange. Cause
submitted.

The Court recessed at 9:54 A.M.

The Court reconvened at 1:34 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and James Terry, Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B103656 People v. Rose
B108828 People v. Wilbert
B113448 People v. Wright
B113695 People v. Deutsch
B113987 People v. Hong
B115138 People v. McNutt
B115470 People v. Myers
B115957 People v. Delgadillo
B116075 People v. Reyes
B116519 People v. Castillo
B116747 People v. Suldén

Argument waived, cause submitted.

B116745 People
 v.
 Stine

Merits:

Appearances by Marsha D. Kennedy for appellant and by Elaine F. Tumonis, Deputy Attorney General, for respondent. Argument waived and submitted.

B115189 People
 v.
 Evans

Merits:

Argued by Douglas G. Benedon for appellant and by Teresa G. Mann, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B117350 People
 v.
 Diaz

Merits:

Argued by Marsha D. Kennedy for appellant and by Noah P. Hill, Deputy Attorney General, for respondent. Cause submitted.

B115702 People
 v.
 Chalker

Merits:

Argued by Alexander Lambrous for appellant and by Alene M. Games, Deputy Attorney General, for respondent. Cause submitted.

B109646 People
 v.
 Rother

Merits:

Argued by Michael B. Dashjian for appellant and by Kyle S. Brodie, Deputy Attorney General, for respondent. Cause submitted.

B115394 People
 v.
 Pollak

Merits:

Argued by Lauri Brown Dawson for appellant and by Stephanie A. Miyoshi, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B116007 People
 v.
 Anderson

Merits:

Argued by Beverly K. Falk, Deputy Attorney General, for respondent. No appearance for appellant. Cause submitted.

B117702 People
 v.
 Olivares

Merits:

Argued by Sylvia Whatley Beckham for appellant and by Michael J. Wise, Deputy Attorney General, for respondent. Respondent shall have 15 days to file a supplemental letter brief regarding sentencing and appellant shall have 10 days thereafter to file a response after which this cause shall stand submitted.

B117143 People
 v.
 Lee

Merits:

Argued by Paul M. Posner for appellant and by Martin L. Pitha, Deputy Attorney General, for respondent. Respondent shall file an informal response to petition for writ of habeas corpus within 15 days after which this cause shall stand submitted.

The Court adjourned at 4:07 P.M.

DIVISION SEVEN

B120480 Dept. of Children and Family Services
 v.
 Jeffrey S. (Father)

The Court:

Order under review is reversed, and the matter is remanded to the trial court with directions to conduct a hearing on appellant's section 388 petition.